THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6533 of 2007

Dated: 02.04.2007

Between:

Kakarla Sreemannarayana and another.

..... PETITIONERS

AND

The District Collector, Krishna District, Machilipatnam, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.6533 of 2007

ORDER:

First petitioner is allegedly owner of land admeasuring Ac.0.19 in survey No.138/1 and Ac.0.28 in survey No.138/2 situated at Bhooshanagulla Village, Pedaparipudi Mandal, Krishna District. He has occupied an extent of Ac.0.55 and second petitioner has occupied Ac.0.40 in survey No.133/1, which is Government poramboke land. They allegedly converted the land for agriculture and the necessary taxes are also being collected by the respondents. When there was some dispute, it appears that Kode Manikyala Rao and others filed O.S.No.313 of 1982 against first petitioner, first respondent and others, and Kolli Rama Koteshwar Rao and three others filed O.S.No.280 of 1982 against second petitioner, first respondent. These suits were for declaration of title, which were dismissed on 02.11.1989. The petitioners allege that third respondent herein filed written statement on behalf of the District Collector, who was a party to said suits, to the effect that the land is classified as village poramboke and is in occupation of the petitioners. Therefore, they contend that their long possession cannot be dispossessed without due process of Law. However, on 02.03.2007, third respondent along with the staff came to the land and tried to dispossess the petitioners. The petitioners contend that the respondents are contemplating to dispossess them without due process of Law.

After getting instructions, the learned Assistant Government Pleader for Revenue (General-A) submits that the writ petition is filed on mere apprehension and that the petitioners are in occupation of village site poramboke (Grama Kantam). If that be so, unless and until the petitioners are evicted from the Government land under the provisions of the Andhra Pradesh Land Encroachment Lance, 1905, or the Andhra Pradesh Board of Revenue Standing Orders, if they are still in possession, no coercive steps can be taken against them.

The writ petition, with the above observations, is dismissed. No costs.

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(**V.V.S.RAO, J**)

02th April, 2007
ghn